

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-6, 8-13, 15-19, 21-27, 29-43, 45-54, and 55 are presently pending. Claims 1, 8-10, 19, 29-31, 37, and 41 are amended herein. Claims 1, 8-10, 19, 29-31, 37, and 41 are cancelled herein. New claim 55 is added herein.

### **Statement of Substance of Interview**

**[0004]** The Examiner graciously spoke with me—the undersigned representative for the Applicant—on November 12, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0005]** During the interview, we discussed overcoming the pending rejections and, without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible amendments to the claims to highlight distinctions from the cited references.

**[0006]** I understood Examiner Haupt to tentatively concur with the proposed amendment to each of the independent claims. However, the Examiner indicated that she would need to complete an updated search when the proposed amendments were formally submitted.

**[0007]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

**[0008]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0009]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Allowable Subject Matter**

**[0010]** Applicant would like to thank the Examiner for recognizing allowable subject matter in claims 7-10 and 28-31. The subject matter of claim 7 and 28 has been incorporated into claims 1 and 19, respectively. Therefore, claims 1 and 19, as amended are effectively claims 7 and 28, written in independent form and including the base claim and any intervening claim. Thus, Applicant respectfully submits that claims 1 and 19 are allowable over the cited references for at least the same reasons that claims 7 and 28 were recognized as allowable.

### **Claim Amendments and Additions**

**[0011]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims herein. Applicant amends claims to highlight claimed features. Such amendments are made to expedite prosecution and should not be construed as further limiting the claimed invention in response to the cited

references. Thus amendments and/or cancelation of the claims is without prejudice or disclaimer, and Applicant respectfully reserves the right to pursue the same or similar claims in a continuation application.

**[0012]** As discussed above, claims 1 and 19 are amended to include subject matter from dependent claims 7 and 28, respectively.

**[0013]** Support for the amendment to claim 41 is found in the specification at least beginning at page 30.

**[0014]** Furthermore, Applicant adds new claim 55 herein, which is fully supported by the application at least by original claim 34, and therefore does not constitute new matter. New claim 55 is allowable over the cited references at least by virtue of depending from claim 1.

## **Formal Matters**

### **Claims**

**[0015]** The Examiner objects to claims 7-10, 28-31 for being dependent from a rejected independent claim. Herein, Applicant amends the claims, as shown above, to address the objection made by the Examiner, and to expedite prosecution.

## **Substantive Matters**

### **Claim Rejections under § 103**

**[0016]** Claims 1-6, 11-13, 15-19, 21-27, 32-43, 45-54 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein and the discussion during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Independent Claims 1, 19, and 41**

**[0017]** Each of independent claims 1, 19, and 41 as amended include the subject matter *obtaining at least two shots of the label, extracting data from the label shots; determining a motion transformation function of the extracted data; and forming a multi-dimensional map of the plurality of label features* which the Examiner has recognized as not taught by the cited references. Thus each of these claims should be allowable over the cited references.

**[0018]** If the Examiner again rejects these claims, Applicant respectfully requests that the next action be non-final.

### **Dependent Claims**

**[0019]** These claims each ultimately depend upon one of independent claims 1, 19, and 41. As discussed above, claims 1, 19, and 41 are allowable over the cited references. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable over the cited references. Additionally, some or all of these claims may also be allowable based on its own merits. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

**[0020]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Bea Koempel-Thomas, 58213/ Dated: 11/12/2008  
Beatrice L. Koempel-Thomas (bea@leehayes.com; 509.944.4759)  
Registration No. 58213

Assistant: Cherri Simon (cherri@leehayes.com; 509.944.4776)

Customer No. **22801**

Telephone: (509) 324-9256  
Facsimile: (509) 323-8979  
www.leehayes.com